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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,146

03/29/2006

Elke Hohne

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EXAMINER

ANDERSON, GUY G

ART UNIT

PAPER NUMBER

2883

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/531,146

Applicant(s)

HOEHNE ET AL.

Examiner

Guy G. Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-25 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 11-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

- 1.1 Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.
- 1.2 Regarding the rejection of claims 1-10 under 35 U.S.C. 102(b) and 103(a), applicant has canceled claims 1-10 and added new claims 11-25. Claims 11-23 are drawn to a fiber cassette device, and claims 24-25 are drawn to a method of pivoting and removing a cassette. Claims 24-25 are withdrawn from further consideration in response to a restriction action as noted below.

Response to Amendment

Election/Restrictions

- 2.1 Restriction is required under 35 U.S.C. 121 and 372.
- 2.2 This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
- 2.3 In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 11-23, drawn to an optical fiber storage tray.

Group II, claim(s) 24-25, drawn to drawn to a method of storing optical fiber.

- 2.4 The inventions listed as Groups II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the transporting of the cassette from the housing to a workplace and returning it to the housing is not recited in the Group I claims.
- 2.5 During a telephone conversation with Steven Bruess on April 5, 2007 a provisional election was made without traverse to prosecute the invention of Group I, claims 11-23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 24-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
- 2.6 Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

2.1 The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.2 Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recitation “unwinding at least some of the excess length of the first optical fiber from the first cassette” is not supported by applicant’s disclosure. Examiner can find no discussion in the disclosure relating to a step of unwinding optical fiber from the cassette as requisite step to removing the cassette from the housing. Applicant does discuss the necessity of the fiber having to be of sufficient length so as to reach from the housing to the workstation where the cassette may be carried to for splicing operation, [Paragraph 30] but does not specifically mention unwinding the fiber as necessary to the step of removing the cassette from the housing.

Claim Objections

3.1 Claim 11 is objected to for the following reasons: claim 11 is a device claim which contains a recitation related to a method, said method being “unwinding at least some of the excess length of the first optical fiber from the first cassette.” The method of unwinding a fiber is not necessary to the structure limitations themselves, and as such it is improper. Therefore, this limitation has been given no patentable weight for purposes of this examination.

Claim Rejections - 35 USC § 103

- 4.1 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 4.2 **Claim 11 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US-5946440 to Puetz.

Regarding Claim 11, Puetz discloses optical fiber cable management device comprising/wherein:

11a) a housing defining a cavity, an opening at which a buffered fiber cable can be input into the housing, and at least one channel through which at least a first optical fiber of the buffered fiber cable can be fed; a first cassette configured to mount within the cavity of the housing, the first cassette being configured to receive and store an excess length of the first optical fiber, the first cassette also being configured to pivot from a first position, in which the first cassette is positioned within the cavity of the housing, to a second position, in which at least a portion of the first cassette is positioned outside the housing, the first cassette also being configured to be removed from the housing by uncoupling the first cassette from the housing.
[Fig. 8-10, #20, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Puetz does not specifically disclose:

11b) unwinding at least some of the excess length of the first optical fiber from the first cassette.

However, unwinding excess optical fiber before moving a splice tray or any other fiber management holder would have been obvious to one of ordinary skill in the art at the time of invention as it would not be possible to move the tray without damaging the fiber unless some of the fiber length were unwound first prior to attempting to move the fiber holder. This is because the tray or other fiber holder would not be able to be moved from its

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position because there would not be enough slack in the fiber to allow movement of the tray unless a PHOSITA was to unwind some of the fiber prior to attempting to move the fiber holder or splice tray.

- 4.3 **Claims 12-23 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US-5946440 to Puetz. Puetz discloses or makes obvious all of the limitations of the base claims upon which Claims 12-23 depend.

Regarding Claim 12, Puetz discloses a fiber cable management device comprising/wherein:

12) the housing includes a spindle adjacent the cavity, and wherein the first cassette defines a groove having an open end through which the spindle can be inserted into the groove, the groove also having a closed end forming a pivot point with the spindle when the spindle is inserted into the groove. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 13, Puetz discloses a fiber cable management device comprising/wherein:

13) the first cassette is configured to be removed from the housing by moving the first cassette in a direction transverse to the spindle to slide the spindle through the open end of the groove. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 14, Puetz discloses a fiber cable management device comprising/wherein:

14) the first cassette includes a first coupling element at which the first optical fiber can be optically coupled to a second optical fiber. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 15, Puetz discloses a fiber cable management device comprising/wherein:

15) the first coupling element is formed as a splicing unit. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 16, Puetz discloses a fiber cable management device comprising/wherein:

16) the first coupling element is configured to receive first and second plug-in contacts. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 17, Puetz discloses a fiber cable management device comprising/wherein:

17) a second cassette configured to mount within the cavity of the housing, the second cassette having a second coupling element configured to receive and store a wound, excess length of at least a third optical fiber. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 18, Puetz discloses a fiber cable management device comprising/wherein:

18) the second cassette is pivotally mounted to the housing. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 19, Puetz discloses a fiber cable management device comprising/wherein:

19) the second cassette is removably mounted to the housing. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 20, Puetz discloses a fiber cable management device comprising/wherein:

20) the second optical fiber forms the buffered fiber cable with the first optical fiber. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 21, Puetz discloses a fiber cable management device comprising/wherein:

21) the second optical fiber forms a second buffered fiber cable separate from the first buffered fiber cable. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 22, Puetz discloses a fiber cable management device comprising/wherein:

22) a plurality of cassettes configured to mount within the cavity of the housing.

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[Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

Regarding Claim 23, Puetz discloses a fiber cable management device comprising/wherein:

23) the first cassette includes at least a first guide element defining at least one path for receiving at least the first optical fiber, the path defined by the guide element including a minimum radius of curvature greater than a minimum-permissible bend radius of the first optical fiber. [Fig. 8-10, #20, 120, 170, 176a-c, 180, 194, 198, Fig. 27-35, # 150, 134, 154, 156, 206, 190, 172, 170, Col. 5, lines 48-67, Col. 6, lines 20-40, Col. 8, lines 40-55.]

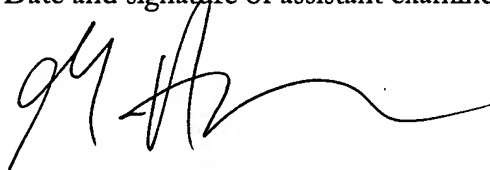
Conclusion

- 5.1 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
- 5.2 A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.
- 5.3 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy G. Anderson whose telephone number is 571.272.8045. The examiner can normally be reached on Tuesday-Saturday 0900-2200.
- 5.4 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571.272.2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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5.5 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5.6 Date and signature of assistant examiner.



April 10, 2007



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800